



State of California
Respiratory Care Board
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Inquiry: The RCPs employed by the hospital are the operation managers and testing personnel for the blood gas/electrolyte panel and reported from the Pulmonary STAT Laboratory stationed in the emergency room. An interest has been expressed for an expansion of our services to include a separate analyzer for the analysis of CBC with differential. Is it legally permissible for RCPs to: (1) oversee quality control/maintenance on a freestanding analyzer and (2) perform analysis of whole blood for CBC and differential on a freestanding analyzer?

Response: Please be advised that the performance of laboratory testing is subject to the provisions of Business & Professions Code Sections 1206 and 1206.5 (copy enclosed). These sections provide that licensed respiratory care practitioners may perform clinical laboratory tests that are classified as "waived," "of moderate complexity", and/or "of high complexity" under the Federal Clinical Laboratory Improvement Amendments (CLIA) of 1998. Further, these laboratory tests must be performed under "... the overall operation and administration of the laboratory director ...".

Based on these provisions, the laboratory director has overall responsibility for the quality assurance and maintenance of laboratory testing instruments. The laboratory director may designate and approve the specific procedures and personnel engaged in the quality control and maintenance of laboratory testing instruments. Further, the Respiratory Care Practice Act contains no provisions that would preclude a licensed respiratory care practitioner from participating in these functions.

Reference # 2000-C-40